

NPSPAC Region 39 Review Committee
% John Johnson, Chairman
3041 Sidco Drive
Nashville, TN 37204

February 4, 2010

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

REF: WT Docket 02-55

Dear Ms. Dortch:

NPSPAC Region 39, Tennessee, files the following comments on the Sprint Nextel January 27, 2010, petition for waiver of the March 30, 2010 deadline to make available to public safety the 800 MHz interleaved spectrum. Region 39 opposes this request for the following reasons discussed below.

Region 39 has the unique situation that requires the Region to coordinate and share the Public Safety spectrum with eleven other states, eight border and 3 non-border states. No other state in the US has to coordinate and share spectrum with that many states. The geographical location of Tennessee makes frequency sharing and coordination most challenging. No where in Tennessee can a frequency be coordinated without obtaining concurrence from other states. The majority of the large metropolitan population centers in Tennessee are along state borders, Memphis, Chattanooga, Kingsport and Johnson City. Nashville and Knoxville are within 25 miles of the state border. In many of the metropolitan areas of Tennessee, both the General Pool, GP & YP as well as the NPSPAC channels are depleted. While 700 MHz P25 is an option, many of the existing system are not P25 and can not utilize the 700 MHz spectrum at this time. The only way for these areas to add capacity to their systems is from the interleaved spectrum. If Sprint Nextel were granted the waiver to remain in the interleaved spectrum, this could prevent public safety systems from adding capacity to their systems as many are considering expending into a Regional system.

A second reason Region 39 opposes the waiver of the March 30, 2010 date is that in many Tennessee areas, there is less available spectrum than before rebanding began due to the SouthernLink Iden system taking spectrum away in the Chattanooga – Hamilton County

area and in seventeen other counties that border Georgia and Alabama, 90.614. Until Sprint Nextel vacates the interleaved spectrum, the agencies effected by the SouthernLink restriction have lost spectrum and sufficient spectrum is not available to migrate to 800 MHz systems as an alternative to narrowbanding their VHF & UHF spectrum nor expand Regional systems.

The third reason Region 39 opposes the grant of the waiver is that the Commission provided to the public safety, with certainty, a time when the interleaved channels would be available. Extending the time for Sprint to vacate will also extend the time public safety may experience interference that rebanding is to resolve.

Therefore, for these reasons, Region 39 opposes the requested waiver.

Respectfully submitted,



John Johnson
Region 39 Chairman